

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:02CR194
)
Plaintiff,)	ORDER
)
vs.))
)
ARTURO CARDENAS-GUTIERREZ,))
)
Defendant.)	

This matter is before the court on plaintiff's Motion for Extension to File Brief in Support of Plaintiff's Answer (Filing No. 134) and defendant's Motion for Summary Judgment (Filing No. 132).

On July 11, 2005, the United States filed a Motion to Strike requesting that this court enter an Order striking the brief it filed in support of its Answer to defendant's Motion Under 28 U.S.C. § 2255 (§ 2255 motion) because the document it filed was the wrong version of the brief. On July 12, 2005, this court issued an Order striking the brief and granting the United States' request to file a brief out of time. In its Motion currently before the court, the United States explains that it inadvertently failed to file the correct version of the Brief and requests additional time in which to file the Brief. The Court will grant the United States' motion.

In defendant's motion for summary judgment (Filing No. 132) defendant requests that this court grant his § 2255 motion due to the United States' failure to file an Answer or supporting brief responding to his § 2255 motion within the time given by the court. That motion is denied.

IT IS ORDERED:

1. Plaintiff's Motion for Extension to File Brief in Support of Plaintiff's Answer (Filing No. 134) is granted; and
2. Defendant's Motion for Summary Judgment (Filing No. 132) is denied.

DATED this 20th day of March, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge